



Family Law in America

By Sanford N. Katz

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For many years family law was viewed as a study of the regulation of clearly defined relationships of husband and wife and parent and child. In the case of husband and wife, it was through formal legal procedures or informal arrangements called marriage. In the case of parent and child it was either through biology or adoption. Equally defined were the stages by which these relationships were established, maintained, and terminated. However, by the close of the twentieth century, basic questions about who should be officially designated a family member and by what procedure were being raised both in the legislature and in litigation. In addition, conventional models that had defined domestic relations such as marriage, divorce, and adoption were either being expanded to include contemporary patterns of living arrangements and the current reality, or new models were being constructed.

In *Family Law in America*, Professor Sanford N. Katz examines the present state of family law in America. Themes include the tension between individual autonomy and governmental regulation in all aspects of family law, the extent to which relationships established before marriage are being regulated, and how marriage is being redefined to take into account equality of the sexes, and the legal recognition of same-sex marriage in some jurisdictions. It demonstrates how the definition of marriage as a partnership in which the individual spouse's rights are recognized has resulted in protection of the vulnerable spouse. It also examines fault and no-fault divorce procedures and the extent to which these procedures reflect social realities. This volume describes state intervention into the parent and child relationship and how this is reflected in the reexamination of the privacy of the family unit. It concludes with a discussion of the conventional model of adoption of children and how new assisted reproductive technologies are having an impact on family formation, particularly adoption, to take into account new family forms. This second edition captures recent developments affecting family law in America, including the transformation of the institution of marriage from being a relationship between a man and a woman to encompassing same-sex marriage. Also, this new edition features timely material with insights into adoption that take into account developments in assisted reproduction technologies and the discussion of sexual abuse of children by clergy.

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Editorial Review

Review

"Sanford Katz is one of a small group of still-active law professors who have written and taught in the field of family law for forty years or more. His long and varied experience has added special and valuable dimensions to his new book. Not designed simply as a history, it reflects the view that to understand contemporary family law fully, one must be familiar with the major shifts that occurred during the second half of the twentieth century."--Walter Wadlington, *Family Court Review*

"Excellent, stimulating, and highly readable.... Family Law in America is not only indispensable for anyone seeking a conspectus of the law in the 50 States but for anyone who has a serious interest in the development of law and policy."--Stephen Cretney, *International Journal of Law, Policy and the Family*

"Serves as a thoughtful statement of modern American family law This book is very useful for foreign lawyers and scholars interested in a readable study of this branch of American law. However, I also recommend in American law students and to non-family law practitioners looking for analysis of and insight into a dynamic area of legal practice and issues of importance in contemporary society. I highly recommend Professor Katz's book for domestic relation practitioners looking for a broader perspective than they can otherwise develop from their own narrow daily practice and experience."--Massachusetts Law Review

"Family Law in America is a clear, concise, and detailed summary of modern developments in family law that combines legal analysis with social science research. Practitioners and social scientists will find this work a valuable supplement to the technical approach taken by most legal textbooks."----Patricia Crotty, *Law and Politics Book Review*

"With 50 states and a federal jurisdiction, a quest for 'American' family law seems futile, but Sanford Katz has provided the answer in his masterly overview, *Family Law in America*. Here the reader will find the development and current state of central features of family law in the United States concisely set out and accompanied by wise, reflective comments from one of the country's most respected family law scholars. This second edition includes additional material on same-sex marriage, child abuse by clergy, and 'Obamacare'." --John Eekelaar

Emeritus Fellow, Pembroke College, Oxford, Co-Editor, *International Journal of Law, Policy and the Family*

"Thorough, timely, and thoughtful, this new edition of *Family Law in America* offers something for everyone. Both experts and lay readers alike will profit from Professor Katz's lucid account of current family law doctrine, trends, and policy challenges. Filled with pithy examples and written in an easily digestible, nontechnical style, this broad overview of U.S. family law is sure to become a classic." -Marsha Garrison,

Suzanne J. and Norman Miles Professor of Family Law, Brooklyn Law School, President, International Society of Family Law

"*Family Law in America* provides a highly readable as well as accurate grand tour through the rapidly changing landscape of family law. Drawing on a lifetime of expertise, Professor Katz has produced a concise overview that gives a straightforward yet sophisticated account. In addition to describing American family law's past and present, he contributes insightful predictions about its future." -Barbara Bennett Woodhouse, L. Q. C. Lamar Professor of Law, Emory University Law School

"I have been greatly inspired by Sanford's new book. It is well-written and so informative. I recommend it highly to all family law practitioners." -Hazel Thompson-Ahye

About the Author

Sanford N. Katz is the Darald and Juliet Libby Professor of Law Emeritus at Boston College Law School. He is a Life Time member of Clare Hall, University of Cambridge, and he was a Visiting Fellow at All Souls College, and Pembroke College, University of Oxford. He is also a former President of the International Society of Family Law, and past Chairman of the Family Law Section of the American Bar Association. He was previously Editor-in-Chief of the *Family Law Quarterly*.

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